

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CECELIA CHMIELEWSKI and NORBERT
CHMIELEWSKI,

Plaintiffs,

v.

OLLIE SCROGGINS, *et. al.*,

Defendants.

Case No. 05-60082

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a nine-count complaint in this court April 15, 2005. Count I appears to allege violations of 18 U.S.C. §§ 1962 *et seq.*; however, 18 U.S.C. § 1964 provides that the Attorney General may institute proceedings under the Racketeer Influenced and Corrupt Organizations Act ("RICO"). Count II alleges civil rights violations under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, and the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §§ 621 *et seq.* Count III alleges federal and state tort claims; Counts IV and V allege federal and state civil rights violations. Count VI is also a Title VII claim, and Count VII appears to restate violations of RICO. Count VIII fails to state a cause of action. Count IX alleges loss of consortium.

While alleged violations of federal law are cognizable in this court pursuant to 28 U.S.C. §§ 1343, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts I and VII, attempting to allege violations of 18 U.S.C. §§ 1962 *et seq.*, are **DISMISSED**.

It is further **ORDERED** that Counts III, VIII and IX, which fail to state a federal cause of action are **DISMISSED**.

It is further **ORDERED** that Counts IV and V, to the extent they allege state law claims, are **DISMISSED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: April 27, 2005